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January 30, 2007

EX PARTE OR LATE FILED

Via Hand Delivery
Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

FILED/ACCEPTED

JAN 30 2007

Federal Communications Commission
Office of the Secretary

**Re: File No. 0002271317
WT Docket No. 03-264
Written Ex Parte Notice**

Dear Ms. Dortch:

Mobile Satellite Ventures Subsidiary LLC ("MSV"), the licensee of a Mobile Satellite Service ("MSS") system in the L band, files this letter to express concern about the lack of technical analysis in the record of the above-referenced proceedings regarding the potential interference impact of higher-powered base stations transmitting in the 1670-1675 MHz band on L band satellites receiving in the 1626.5-1660.5 MHz band. MSV urges the Commission to refrain from granting the flexibility requested for the 1670-1675 MHz band until the licensee of those frequencies, OP LLC (hereinafter "Modeo"), provides information regarding the technical configuration of its proposed higher-powered base stations, including a commitment to deploy base stations with sufficient antenna discrimination towards MSV's satellites. MSV looks forward to working with Commission staff and Modeo to resolve these issues in an expeditious manner.

MSV. MSV is the entity authorized by the Commission in 1989 to construct, launch, and operate a United States MSS system in the L band (1525-1544 MHz and 1545-1559 MHz (Space-to-Earth); 1626.5-1645.5 MHz and 1646.5-1660.5 MHz (Earth-to-Space)).¹ MSV's licensed satellite was launched in 1995, and MSV began offering service in 1996. Today, MSV offers a full range of satellite services using both its own U.S.-licensed satellite and the Canadian-licensed L band satellite licensed to Mobile Satellite Ventures (Canada) Inc. ("MSV Canada").

¹ *Order and Authorization*, 4 FCC Rcd 6041 (1989); *remanded by Aeronautical Radio, Inc. v. FCC*, 928 F.2d 428 (D.C. Cir. 1991); *Final Decision on Remand*, 7 FCC Rcd 266 (1992); *aff'd*, *Aeronautical Radio, Inc. v. FCC*, 983 F.2d 275 (D.C. Cir. 1993); *see also AMSC Subsidiary Corporation, Memorandum Opinion and Order*, 8 FCC Rcd 4040 (1993).

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In May 2005, the Commission licensed MSV to operate a next-generation L band MSS satellite at 101°W (called "MSV-1") to provide service in the United States.² In April 2005, Industry Canada authorized MSV Canada to launch and operate a next-generation L band MSS satellite at 107.3°W (called "MSV-2"), which will also be used to provide service in the United States.³ On January 11, 2006, MSV announced that it entered into a contract with Boeing Satellite Systems, Inc. ("Boeing") for the construction and delivery of the MSV-1 and MSV-2 satellites.⁴ The satellite procurement is being financed in part with the proceeds of a \$750 million debt offering that MSV completed in April 2006. These next-generation, transparency class L band satellites will be the largest and most powerful commercial MSS satellites ever built. Each satellite's primary antenna will be twice as large as that of any previous commercial satellite, and the satellites will have significantly more power available over the United States compared to any other currently operational MSS system serving the United States. Each satellite will serve North America using approximately 500 spot beams, with each spot beam having a nominal service area of approximately 100-150 miles in diameter. The satellites will be used to provide advanced mobile broadband services to devices that are virtually identical to cell phone handsets in terms of aesthetics, cost, and functionality. MSV is aggressively pursuing its satellite construction schedule. Boeing is currently ahead of schedule in the construction of MSV-1 and MSV-2. MSV intends to launch MSV-1 as soon as June 2009 with MSV-2 to follow six months later.

Modeo. Modeo is the nationwide licensee in the 1670-1675 MHz band. In this band, the Commission's rules limit base stations to 2 kilowatts peak EIRP. See 47 C.F.R. § 27.50(f)(1). In the above-referenced waiver proceeding, Modeo has asked the Commission to waive this rule and to instead allow Modeo to deploy base stations at an average EIRP limit of 4 kW/MHz (*i.e.*, up to 20 kW) in urban areas and 8 kW/MHz (*i.e.*, up to 40 kW) in rural areas.⁵ Modeo has requested the same flexibility in response to a pending *Further Notice of Proposed Rulemaking*.⁶

² See *Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 05-1492 (May 23, 2005) ("MSV-1 Order").

³ See Letter from Jan Skora, Director General, Radiocommunications and Broadcasting Regulatory Branch, Industry Canada, to Mr. Larry Boisvert, President, Mobile Satellite Ventures (Canada) Inc., File No. 6215-3-3 (April 5, 2005).

⁴ See "Mobile Satellite Ventures Engages Boeing to Develop Next Generation Satellites" (Jan. 11, 2006), available at http://www.msvlp.com/pr/news_releases_view.cfm?id=80.

⁵ See OP LLC, Request for Waiver, File No. 0002271317 (August 9, 2005) ("*Modeo Waiver Request*").

⁶ See *In the Matter of Biennial Regulatory Review, Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 03-264, FCC 05-144 (2005); Comments of Crown Castle International Corp., WT Docket No. 03-264 (December 19, 2005) ("*Modeo Comments*"); Reply Comments of Crown Castle International Corp., WT Docket No. 03-264 (January 17, 2006) ("*Modeo Reply Comments*").

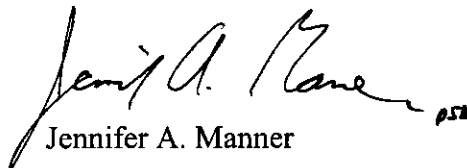
Modeo has explained that its requested revision to the EIRP limit will allow it to deploy its one-way, broadcast-type network using DVB-H technology in a more cost-efficient manner.⁷ Modeo has provided information in the record regarding the interference impact of this revision on co-channel Geostationary Operational Environmental Satellite (GOES) earth stations and immediately-adjacent radio astronomy, space research (passive), and radiosondes operations.⁸ Modeo has not, however, provided any information in the record of the above-referenced proceedings regarding the potential interference impact of its higher-powered base stations on L band satellites receiving in the 1626.5-1660.5 MHz band.

Discussion. Modeo's failure to provide record information regarding its potential impact on the MSV satellites is a significant concern. Modeo claims that, because it is not seeking a change in the Commission's out-of-band emission limits, adjacent-band users will not be impacted by its proposal.⁹ In fact, if Modeo's higher-powered base stations are deployed with an insufficient degree of antenna discrimination towards MSV's next-generation satellites, the proposed increase in power may cause harmful overload interference to the MSV satellites, to the detriment of public safety and other users who will benefit from the advanced mobile broadband services MSV will provide with these satellites.

Accordingly, until Modeo provides information regarding the technical configuration of its proposed higher-powered base stations, including a commitment to deploy base stations with sufficient antenna discrimination towards MSV's satellites, the Commission has no basis to conclude that Modeo's proposal will not result in increased interference. MSV commits to working with Commission staff and Modeo to resolve these issues in an expeditious manner. Until these issues are resolved, however, MSV urges the Commission to refrain from granting Modeo's proposal, either in the form of a waiver or an amendment to the Commission's rules.

Please contact the undersigned with any questions.

Very truly yours,


Jennifer A. Manner

⁷ See *Modeo Waiver Request* at 7; *Modeo Comments* at ii, 6.

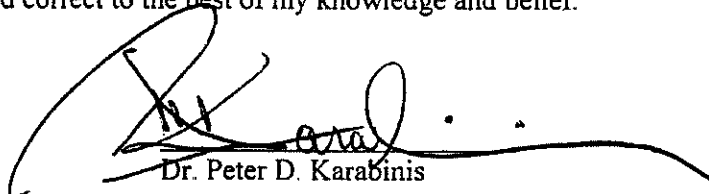
⁸ See *Modeo Waiver Request* at 9-11; *Modeo Comments* at 9-13; *Modeo Reply Comments* at 5-6.

⁹ See *Modeo Waiver Request* at 10; *Modeo Comments* at ii, 13.

Technical Certification

I, Dr. Peter D. Karabinis, Senior Vice President and Chief Technical Officer of Mobile Satellite Ventures Subsidiary LLC, certify under penalty of perjury that:

I am the technically qualified person with overall responsibility for the technical information contained in the foregoing. I am familiar with the Commission's rules, and the information contained herein is true and correct to the best of my knowledge and belief.



Dr. Peter D. Karabinis

Dated: January 30, 2007

Ms. Marlene H. Dortch

January 30, 2007

Page 4

Of counsel:

Bruce D. Jacobs

David S. Konczal

Pillsbury Winthrop Shaw Pittman LLP

2300 N Street, NW

Washington, D.C. 20037

(202) 663-8000

cc: Hon. Kevin J. Martin
Hon. Michael J. Copps
Hon. Jonathan S. Adelstein
Hon. Deborah Taylor Tate
Hon. Robert M. McDowell
Emily Willeford
Bruce Gottlieb
Barry Ohlson
Aaron Goldberger
Angela Giancarlo
Fred Campbell
John Giusti
Julius Knapp
Richard Arsenault
Lloyd Coward
Jay Jackson
Moslem Sawez
Richard Engelman
Gardner Foster
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John Martin
Robert Nelson
Ari Fitzgerald